2001 DRAFTING REQUEST

Bill

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Received: 01/03/2001 Wanted: As time permits					Received By: kahlepj Identical to LRB: By/Representing: Adrienne Ramirez Drafter: kahlepj Alt. Drafters: Extra Copies:										
									For: Tony Staskunas (608) 266-0620 This file may be shown to any legislator: NO May Contact: Subject: Probate - miscellaneous						
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Topic:															
Persona	l representative	s in informal ac	lministration	n of estates											
Instruc	etions:	·													
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Draftin	ng History:		· · · · · · · · · · · · · · · · · · ·												
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/?	kahlepj 01/15/2001	jdyer 01/16/2001													
/1			jfrantze 01/30/200	01	lrb_docadmin 01/30/2001	lrb_docadn 01/31/2001									
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<**END>**

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May Contact:					
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Pre Topic:					
No specific pre topic given					
Topic:					
Personal representatives in informal administration of estates					
Instructions:					
See Attached					
Drafting History:	: . :				
Vers. Drafted Reviewed Typed Proofed // // // // // // // // // // // // //	Submitted Jacketed Required				

<**END>**

Kahler, Pam

From: Sent:

Ramirez, Adrienne

Wednesday, January 03, 2001 4:06 PM

To: Subject: Kahler, Pam **Draft Request**

Pam-

In the 1999-2000 Session you drafted LRB-4134/1 for Rep. Staskunas. This proposal, AB 750 passed the Assembly, but died in the Senate.

Could you please redraft this legislation for introduction in the 2001-2002 Session. Feel free to contact me if you have any questions.

Thank you for your assistance.

Adrienne Ramirez Office of Rep. Tony Staskunas 6-0620

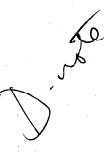


State of Misconsin

LRB-20641 PJK:cjs:km

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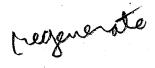
1999 ASSEMBLY BILL 750



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February 15, 2000 – Introduced by Representatives Startunas, Bock, Stone, Sherman, Sykora, Ladwig, Spillner, La Fave, Musser, Gunderson, Ryba, Pettis, Kreuser, Jeskewitz, Cullen and Huber, cosponsored by Schators George, Risser, Huelsman, Burke, Roessler and Farrow, Referred to Committee on Judiciary and Personal Privacy.



- $\operatorname{AN}\operatorname{ACT}$ to repeal $865.08\,(1)\,(a)\,1.,\,2.$ and 3.; and to renumber and amend $865.08\,$
- 2 (1) (intro.) and 865.08 (1) (a) (intro.) of the statutes; **relating to:** who may be
 - appointed personal representative in informal administration.

Analysis by the Legislative Reference Bureau

Under current law, in the informal administration of an estate, the probate registrar may appoint a personal representative. If there is a will, the personal representative appointed by the probate registrar must be the person nominated in the will or a person requested by the parties interested in the estate, subject to qualification and acceptance. If no person is nominated in the will, if the person nominated in the will fails to qualify or if there is no will, the personal representative appointed by the probate registrar must be either a bank or trust company that is entitled to exercise fiduciary powers in this state or a natural person. In either case, the personal representative must have the consent of all of the parties interested in the estate. In addition, if the personal representative is a natural person, he or she must be an attorney admitted to practice law in this state. Someone who takes under the will if there is a will or an heir of the decedent if there is no will.

This bill changes the natural persons who may be appointed personal representative in informal administration if no person is nominated in the will, if the person nominated in the will fails to qualify or if there is no will. Under the bill, any person who has the consent of all interested parties and who qualifies may be

ASSEMBLY BILL 750

appointed. The person does not have to be an attorney a beneficiary under the will if there is a will or an heir if there is no will.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 865.08 (1) (intro.) of the statutes is renumbered 865.08 (1) (ac) and amended to read:

865.08 (1) (ac) Upon receipt of an application and making the determinations required by s. 865.07, the probate registrar may enter a statement of informal administration, admit a will to informal probate and may appoint the personal representative nominated by the will or requested by the interested parties, subject to qualification and acceptance.

SECTION 2. 865.08 (1) (a) (intro.) of the statutes is renumbered 865.08 (1) (am) and amended to read:

865.08 (1) (am) Where If no personal representative is named or where if the named personal representative fails to qualify, the personal representative shall be either a bank or trust company that is entitled to exercise fiduciary powers in this state which and that has the consent of all interested persons, other than creditors of the deceased, or, subject to s. 856.23, a natural person who has the consent of all

interested parties, other than creditors of the deceased, and is:

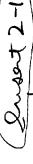
SECTION 3. 865.08 (1) (a) 1., 2 and 3. of the statutes are repealed.

SECTION 4. Initial applicability.

(1) This act first applies to informal administrations commenced as a result of deaths occurring on the effective date of this subsection.

(END)

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2001–2002 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

INSERT 2-15

	X (inter
1	SECTION 1. 865.08 (1) (a) (intro.) of the statutes is renumbered 865.08 (1) (am)
2	and amended to read:
3	and amended to read: (into.) 865.08 (1) (am) Where If no personal representative is named or where if the
4	named personal representative fails to qualify, the personal representative shall be
5	either a any of the following:
6	1. A bank or trust company that is entitled to exercise fiduciary powers in this
7	state which and that has the consent of all interested persons, other than creditors
8	of the deceased , or a.
9	2. A natural person who has the consent of all interested parties, other than
10	creditors of the deceased, and is: who is not disqualified under s. 856.23.
	History: 1973 c. 39; 1975 c. 331; 1993 a. 486.

(END OF INSERT 2-15)

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1763/Jdn
PJK......

I changed the format of s. 865.08 (1) (a) (renumbered to s. 865.08 (1) (am) in the bill. I think it is more readable this way.

Pamela J. Kahler Senior Legislative Attorney Phone: (608) 266–2682 E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1763/1dn PJK:jld:jf

January 30, 2001

I changed the format of s. 865.08 (1) (a) (renumbered to s. 865.08 (1) (am) in the bill). I think it is more readable this way.

Pamela J. Kahler Senior Legislative Attorney Phone: (608) 266–2682 E-mail: pam.kahler@legis.state.wi.us



STEPHEN R. MILLER CHIEF

State of Misconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET 5TH FLOOR MADISON, WI 53701-2037

LEGAL SECTION:

(608) 266-3561 (608) 264-6948

January 30, 2001

MEMORANDUM

To:

Representative Staskunas

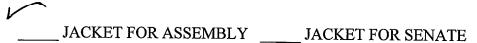
From:

Pamela J. Kahler, Senior Legislative Attorney

Re:

LRB-1763 Personal representatives in informal administration of estates

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.



If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-2682 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.